

spired, and nothing can be ever formidable which is an object of contempt. This is not all; the licentiousness of the press screens the very errors of Government; for it attacks you so often without cause, that people disbelieve it wholly where there is even a real ground for accusation."

May 19. By the mail which arrived yesterday, we have certain accounts, that another most capital house in Cadiz has failed there to the amount of three millions of dollars.

They write from Madrid, that the King of Spain, at the instance of the British Ambassador, had given Orders for all the Subjects of Great Britain, in prison at Cadiz and Carthage, to be immediately released, and forwarded to their own country.

Two causes of very great importance to the liberty of the subject are expected to be determined during the course of the present term; the first is Alderman Townshend's question on the land-tax, the second Mr. Stephens's question relative to the *act etiam* part of the process, which by a fiction of Law supposes a debtor to be guilty of an assault, to justify his imprisonment for insolvency.

They write from Lisbon, that the King of Portugal had just published an edict concerning the English traders to Lisbon and Oporto, from which our merchants entertain the most sanguine hopes.

Letters from the South of France say, that within a few months 2000 persons from Germany have been shipped off, from Marseilles, for the West India colonies, to settle there.

BELFAST, April 24.

Spoke (by the snow Betty Greg, of Belfast, William Scott, Master, from Antigua) the Brig. *Sufannah*, John Lloyd, Master, from Maryland, bound to Dublin, all well, in lat. 45, 23, N. long. 32, 40, W. from London.

ANNAPOLIS, August 6.

An infamous and scandalous Article of Intelligence having appeared in the *Pennsylvania Packet* of July 27th, setting forth that Twenty Indians, a few Weeks ago, passing through *Anne Arundel*, on their Way to *Annapolis*, to complain to the Governor of the Encroachments of the Back Settlers on their Territories, took up their Lodgings in a Gentleman's Barn, and were there, in the Night Time, inhumanly, every one of them, massacred by the Christian Inhabitants, which Paragraph concluded with—*Tell it not in Gath, publish it not in the Streets of Ascalon*: It is much to be wished that the *Publisher* thereof had been better informed before he had inserted so entire a Falshood in his Paper, which we think it our Duty to declare that to be; and we further inform the Publick, that the only Indians who have for a long Time past travelled through this Province, were here Three Weeks ago, in Number Four, and hospitably entertained for Five Days at the Governor's House, on their Road to *Dorchester County*, to look after some Lands they have a Claim to there, and made not any Complaints whatsoever.

Many Persons, having seen the following Opinion of an eminent Lawyer in this City, in Manuscript, request the Publication of it in this Paper, from a Persuasion, that it may be of considerable Service to some, who have not, perhaps, made up their Faith, with regard to the Queres to which it was given in Answer; and which are, as follows:

1. Whether from the Time the Inspection Law expired, I am not entitled to the Forty per Poll, on all the Taxables within my Parish?

2. Inasmuch as it has never been the Usage or Practice of the County Court in the County wherein my Parish is, to put the Forty per Poll into the Assessment, or County Levy, whether the not putting it into the County Levy will deprive me of my Remedy by Execution?

3. And how are the Justices to be considered in this Respect, as ministerial or otherwise, if I am deprived of my Remedy by Execution, in Consequence of their neglecting or omitting to put the Forty per Poll in the Levy? And, upon the whole, what Course ought I to pursue?

I DO not think the Usage or Practice of the County Courts can in any Manner affect the Case, I am most clearly of Opinion that the Omission, Neglect or Refusal of the County Court to assess, or put on the County Levy, the Forty per Poll, will not deprive the Clergyman of his Right to his Income. The Obligation on and Duty of the Sheriff to collect and gather the Assessment or Tax or Duty of 40lb. of Tobacco per Poll, which Words are used as synonymous Terms through the whole of the Act of 1702, does not flow from any Act of the County Court, but from the Act of Assembly itself. The Sheriff's Power and Authority exists independent of and unconnected with the County Court: I do not see a Syllable in the Act to justify the Opinion, that the County Court have a Right to assess, or charge the Taxables with a certain Sum, or have any Thing to do with the 40 per poll; they are not directed to assess it. The Law obliges the Sheriff to collect and gather the said Assessment (or Tax or Duty) from every Taxable: The Act of 1629, Liber. LL. No. 2. Folio 263. pointed out what Persons should be assessed and taken as Taxables: The Law imposes a certain Tax or Assessment of 40lb. of Tobacco per Poll, the Law says it shall be levied, i. e. collected or exacted, and vests the Power of levying in the Sheriff. The Law expresses an Intention to provide for the Maintenance of the Clergy; and how absurd would it be, that their Provision should depend on the Act of the County Court; if their Assessment should entitle or deprive the Clergyman the Power would be wholly in them, they would be the sole Judges whether the Clergyman should have any Maintenance; undoubtedly the County Court could not assess less than 40lb. of Tobacco per Poll, and if they have no Discretion, for

what Purpose should the Power of Assessment be vested in them? I hold clearly that the County Courts have nothing to say to the Assessment or Tax or Duty of the 40 per Poll to the Clergy: They have no Discretion on the Subject, the Sheriff has nothing to say to the County Court. Where the Act of 1702 intended to vest the Power of Assessment in the County Court it is clearly worded—by that Act "the Churchwardens and Vestry are authorized and required to satisfy and pay the Parochial Charges and all necessary Repairs of Churches, and applies all Fines, &c. towards Payment, and, in Case of Deficiency, directs the Justices of the County Courts, upon Application, to assess not exceeding Ten Pounds of Tobacco per Poll, in any One Year, which Assessment made by the County Court, and a Certificate thereof, under the County Seal, shall be sufficient to the Sheriff to levy such Tax, by the Poll, on the Taxables of such Parishes, in the same Manner as other publick Dues are levied."—In this Case the Law provides for a Contingency that might or might not happen, the Tax was uncertain, the Discretion as to the Sum is given to the County Court, therefore the Sheriff has no Power but from the County Court. In the Case of the Clergy the Tax or Assessment is certain, and therefore no Necessity to give the County Court any Discretion, or to make the Power of the Sheriff dependent on the County Court, this Discretion by the Act of 1729, C. 7. is vested in the Vestry and Churchwardens. As to the Mode of Recovery by Mr. Barclay, the Sheriff is obliged, by the Law, to collect and pay the 40 per Poll to the Minister, he becomes Debtor and is answerable to the Minister: It is made his Duty and Part of his Office, the Minister has nothing to say to the Mode by which the Sheriff compels Payment, he must execute his Office at his own Discretion and Peril: I am of Opinion that an Action may be maintained on the Sheriff's Bond by the Minister, the Condition is "well and faithfully to execute his Office," as also to "render his Account of all Fees, Dues, and Sums of Money or Tobacco due to any of the good People within this Province, for any Sum or Sums of Money or Tobacco wherewith he shall be entrusted during the Time of his Shrievalty."—Or that a special Action upon the Case will lie by the Minister against the Sheriff for not collecting, gathering and paying him Forty Pounds of Tobacco per Poll: The Sheriff by undertaking the Office of Sheriff has undertaken to collect, gather and pay the Minister the 40 per Poll: It is made Part of his Office and Duty by Law, if he neglects or refuses to collect and pay he is guilty of a Breach of his Office and Duty imposed by Law: He is guilty of a Breach of the Condition of his Bond "well and faithfully to execute his Office." In short the Clergyman is to look only to the Sheriff. I have declined giving an Opinion as to the Validity of the Law of 1702, I have given the above as to the Omission of the Justices to assess, and as to Mr. Barclay's Remedy for the Recovery of his Dues, on an Admission of the Validity of that Law.

Annapolis, May 29, 1772.

SAMUEL CHASE.

TO THE PRINTER.

AS JACK FRANK assumes the Character of a Man of Sincerity, I will not charge him with a wilful Impostition upon the Publick, in attempting to set up the Act of 1700, upon the Supposition of the Nullity of the Act of 1701. The Argument, I presume, was hastily advanced, without Deliberation or Enquiry: I would therefore recommend the Law of 1704, C. 77. (in Bacon's Laws) to his Perusal, and dare say he will be clearly satisfied, that however ineffectual the Act of 1701-2 may be to repeal the Act of 1700, yet that it is repealed by the above Act of 1704.

Anne Arundel County,

August 4, 1772.

CANDOR.

St. Paul's Parish, Kent County, July 25, 1772. BEING very lately informed by Mr. William Thomas, of Anne Arundel County, that Mr. John Morton Jordan, deceased, did say, at Dr. Stewart's, of Annapolis, that I, the Subscriber, informed him, that the Gentlemen of that City had entered into a Resolution of not giving him Entertainment on his first Arrival into this Province: In Vindication of myself I must say, that Mr. Jordan was mistaken. All that ever I said, was this; Mr. Jordan one Day boasting of his own Importance, as he would sometimes take Occasion to do, in the Presence both of Mr. Thomas and myself, I said, "that it was not believed, before his Arrival, that Lord Baltimore would ever commission him to transact his Business." My Reason for saying so was, because, on being asked one Night at a Ball, after my Return from Virginia, whether there was any Account there of Mr. Jordan's coming over to transact Lord Baltimore's Business in this Province, to which I answered in the Affirmative, Dr. Stewart replied, that it was impossible, that Lord Baltimore had Two good Officers here already. This is the whole of what passed between Mr. Jordan and myself, which I declare was not spoken with any Design of currying Favour with Mr. Jordan, or disparaging any Gentleman. All such mean low Ways of courting Favour I am above by Birth, Education and Profession. As this Charge, were it founded on Truth, would affect the Character of any Man, much more of one invested with Holy Orders, I do disavow it in this most publick Manner, and should have done it sooner, had I known it sooner, but never had the least Knowledge of it, until Mr. Thomas informed me of it to my Surprise about Four or Five Weeks past.

ROBERT READ.

ANNAPOLIS RACES.

On Tuesday the 6th of October, A PURSE of ONE HUNDRED GUINEAS, to be run for only by Horses, Mares, or Geldings, belonging to the Members of the Jockey Club; Heats 4 Miles each. Four Years old to carry 7 Stone, 5 Years old 7 Stone 10lb. 6 Years old 8 Stone 7lb. aged 9 Stone.

On Wednesday the 7th. The GIVE AND TAKE PURSE of FIFTY POUNDS, Weights &c. the same as last Year.

On Thursday the 8th. FIFTY POUNDS for 4 Years old Colts, to carry 8 Stone 3 Pounds, Fillies 8 Stone. Heats 3 Miles.

On Friday the 9th. The AMERICAN THEATRICAL COMPANY: PURSE of FIFTY POUNDS, free for any Horse, Mare, or Gelding, to carry 9 Stone; Heats 4 Miles.

The winning Horse each Day is excluded starting for any of the other Plates.

Subscribers of Three Pounds or upwards, may enter free for each, or all of the Three last Days Plates. Non-Subscribers to pay Two Guineas Entrance each Day.

The Horses intended to run for the Two last Days Sport, must be entered with the Clerk of the Course, on Saturday the 3d of Oct. any Time before Twelve at Noon; and the Horses for the give and take Plate, must be entered and measured between the Hours of Three and Six in the Afternoon of the same Day, or pay, should they start for any of those Plates, double Entrance at the Post, if the Property of a Non-Subscriber, Three Pounds.

Subscribers to the Plates, and the Gentlemen who have Horses to start for the Jockey Club Purse, are desired to enter them the same Day, that Lists may be made out and published. Certificates of their Ages must be then produced.

The Races are to be run on the Course adjoining to the City; and the Horses are to start each Day precisely at Eleven o'Clock. The winning Horse each Day, to pay a Guinea to the Clerk of the Course for Weights, and Scales. Judges to be appointed by the Stewards.

No Horse &c. will be allowed to enter or run for any of the Plates, that stands at any House, the Owner of which is not a Subscriber of Three Pounds or upwards.

N. B. There will be Balls at the Assembly House on Tuesday, Wednesday, and Thursday. Tickets for Gentlemen at a Dollar each (without which they cannot possibly be admitted) are to be had at Mr. Howard's, at the Coffee-House.

Dumfries, July 25, 1772.

IT was expected and hoped from the Proposal I, with the Advice of such Creditors, as I had the Opportunity of consulting, made to my Creditors generally, to satisfy their different Claims by the Prosecution of my Estate, and which was sent round to them, requesting a Meeting of them, the 20th Inst. for the farther Regulation thereof, that it would then have succeeded and been finally concluded, but it being still neglected, and the Meeting in consequence thereof, has not been so full as is thought necessary: It is again advised and directed by the Creditors now present at a Meeting of all of them, that can be collected to consult thereon, that I again publicly advertise a general Meeting of all of my Creditors, on Thursday the 10th Day of September next, here at Dumfries, to agree upon a Plan for the prosecuting thereof and carrying on of my Works; that whatever Method is agreed to by a Majority of the Creditors then present, or their Substitutes, will then be finally agreed to by me, and be entered into by those Creditors, according to the then proposed Regulations, and that those Creditors, who do not by that Time acquiesce thereto, and join with the other Creditors according, shall be excluded from the Produce arising from the Estate, until those then agreeing are fully satisfied their whole Claims against the Estate; as the Matter has been too long neglected, greatly to the Prejudice of the Estate and Interest of the Creditors: It is begged and hoped that a full and general Meeting of all concerned will then be had, or Substitutes appointed by those who cannot attend to act therein.

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N. B. My Accounts with Mr. James Lawson will in a few Days be adjusted.

Just imported by the Subscriber, and to be sold, at Mr. Colin Campbell's Store, Church-Street, Annapolis, for ready Cash only.

A LARGE and valuable Assortment of well chosen BOOKS.

(t.f.)

THIS is to give Notice, that the Fulling Mill on the main Falls of *Edwards*, near *Brigantia* Hood's Mill, formerly belonging to *Edward Hood*, now belongs to *Thomas Williams*, which Mill is new built, and in good Order for Fulling. All those that will favour me with their Business that Way, may depend on having it done in the best Manner, from the consent to the finest that can be made, and have it dyed the best of Colours, as they may think proper to direct, on reasonable Terms, by

(w3)

FRANCIS BLACKBURN.

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